

## **4.0 Land Use Plan And Zoning**

### **4.1 Development of the Land Use Plan**

The County initiated the Commercial Corridor Study because of a proliferation of Conditional Use Permit requests within the study area. The intent of the corridor study was to start a process that would define orderly development of this area in the future. A land use plan was developed so that the County could specify appropriate uses in advance rather than responding to individual Special Use and Conditional Use Permit requests.

The land use plan was developed by a technical team composed of City and County government staff and consultants with the assistance of a citizens advisory committee (CAC) composed of representatives from the neighborhood, the real estate and development community and the higher-density neighborhoods in the City of Albuquerque that are adjacent to North Albuquerque Acres.

The final list of recommended land uses and the conditions required in order for each site to be developed as the alternative land uses are shown in Appendix G. The proposed sites are shown in Appendix G. All properties that do not meet the criteria for alternative land uses remain zoned A-1 as defined in the Bernalillo County Zoning Ordinance ( County Commission Ordinance No. 97-2) and the Design Overlay Zone for North Albuquerque Acres (County Commission Ordinance No. 94-22).

### **4.2 Strategy for Reinforcing the Unique Character of the Community**

The intent of the land use plan and the zoning is to reinforce the unique low density, rural character of North Albuquerque Acres through a mix of permissive land uses that have a strong neighborhood orientation and are an intensity appropriate to the changed conditions in the community and to the rural character of North Albuquerque Acres.

Two design overlay zones were developed to be used in conjunction with the Bernalillo County Zoning Ordinance and the North Albuquerque and Sandia Heights Light Pollution Ordinance. The regulations and guidelines in these zones will give the neighborhood and Bernalillo County greater control over the ultimate design of new development along the Paseo del Norte Corridor. Design elements have been crafted to lessen the impact of new development on existing low density residential land uses including requirements for things such as landscaping and buffers, building height and setbacks, lighting, signage, pedestrian connections and accessibility, and parking lots.

The guidelines as originally presented in the Corridor Study contained both mandatory language (i.e. those that state that a requirement “shall” be followed) and suggested language (i.e. guidelines that “may” be followed). These regulations and guidelines are contained in Section 5.

### 4.3 Zone Change Criteria

Resolution ELUA 2-1998 adopted policies for considering zone map changes. The development of significant transportation corridors in the area (Paseo del Norte and Eubank in particular) will impact the character of the lands adjacent to them and constitute a changed neighborhood or community condition as described in Resolution ELUA 2-1998. In addition the increase in the area's population coupled with impacts of the transportation corridors create a situation which makes limited commercial and moderate density residential uses more advantageous to the neighborhood and community than A-1 zoning along these corridors.

The joint technical team/CAC defined the criteria to be used to identify properties that meet the policies for zone map changes. The criteria establish properties impacted by a change in condition that makes the existing A-1 zoning inappropriate. The criteria also ensure that land use changes are consistent with the policies of Resolution ELUA 2-1998. In addition, the committee established criteria to ensure that any land use changes would not be harmful to the community. The criteria are shown in Table 4-1.

**Table 4-1 Criteria Used for Selection of Sites and Land Uses**

<i>Criteria Applying to All Sites</i>	
1.	Sites should not be more than a one-quarter mile driving distance from Paseo del Norte or Eubank. (Area impacted by change in neighborhood or community conditions)
2.	Sites should be separated from vacant land by a road, a lot with an existing structure, open space, a municipal boundary, or public right-of-way. (Insurance that land use change will not be harmful to adjacent property)
3.	No higher use than C-N (neighborhood commercial) should be used. (Insurance that land use change will not be harmful to adjacent property)
4.	Alternative land uses should be used as transitions between less compatible land uses. (Insurance that land use change will not be harmful to adjacent property)
<i>Criteria Applying to Residential Sites</i>	
5.	Higher density residential land uses should be used to buffer existing homes from Paseo del Norte and Eubank. (Insurance that land use change will not be harmful to adjacent property)
6.	Higher density residential sites should be at least six lots in size. (No spot zoning)
7.	No higher density than six dwelling units per acre should be used. (Insurance that land use change will not be harmful to adjacent property)
<i>Criteria for Non-Residential Sites</i>	
8.	Non-residential sites should have visual frontage to Paseo del Norte or Eubank. (Area impacted by change in neighborhood or community conditions)
9.	Non-residential sites should be two lots deep to discourage strip center development. (No strip zoning)
10.	Commercial sites should not be within 300 feet of an existing home. (Insurance that land use change will not be harmful to adjacent property)
11.	Non-residential sites should not have direct access to local roads. (Insurance that land use change will not be harmful to adjacent property)

Based on the criteria, the Technical Team/CAC identified twelve sites that meet the County’s policies for zone map changes (In 2002, 4 sites E, Y, Z-1, and Z-2 were annexed by the City of Albuquerque). Through the Corridor Study process and the Sector Development Plan process the advisory committees established permitted land uses and conditions for these sites. Table 4-2 summarizes the permitted land uses and conditions established by the Sector Development Plan for each site.

All other properties in the plan area were intended to remain A-1. If any use other than A-1 is proposed, the Corridor Study specifies that uses within this area by limited to those that generate no more than 10 vehicles trips per day per original lot (or one acre), which is the typical amount of traffic generated by a single family home.

**Table 4-2 Summary of Land Uses and Conditions by Site**

Site	Size	Land Uses	Conditions
Site E*	13 lots 11.5 ac.	Residential (max. 6 DUs/acre)	No access to Palomas
Site F-1 Site F-2	8 lots/7.1 ac. 6 lots/5.3 ac.	Eight western lots: office, institutional, clinic, residential (max. 6 DUs/acre) Six eastern lots: residential (max. 6 DUs/acre)	No access to Palomas
Site G	8 lots 7.1 ac.	Art, antique, or gift shop; beauty/barber shop; book/stationery store; butcher shop; feed store; newsstand; restaurant; fruit/vegetable stand; bakery; bank; church; clinic; deli; office	No access to Palomas
Site H	13 lots 11.5 ac	Office, institutional, clinic, residential (max. 6 DUs/acre)	No access to Palomas
Site I	18 lots 16.0 ac.	Office, institutional, clinic, residential (max. 6 DUs/acre)	No access to Palomas
Site J	4 lots 2.9 ac.	Bank, book/stationery store, animal clinic, office	No access to Palomas
Site L	4 lots 3.6 ac.	Day care; extended care facility; bed and breakfast	No access to Pino or San Francisco. Land uses contingent on the construction of a Eubank Blvd. “Build” Alternative.
Site X	4 lots 3.6 ac.	Office, institutional, clinic, residential (max. 6 DUs/acre)	No access to Palomas
Site Y*	6 lots 5.3 ac.	Office, institutional, clinic, residential (max. 6 DUs/acre)	No access to Palomas
Site Z-1* Site Z-2*	14 lots/12.4 ac. 15 lots/13.2 ac.	Residences (max. 4 DUs/acre)	No access to Carmel

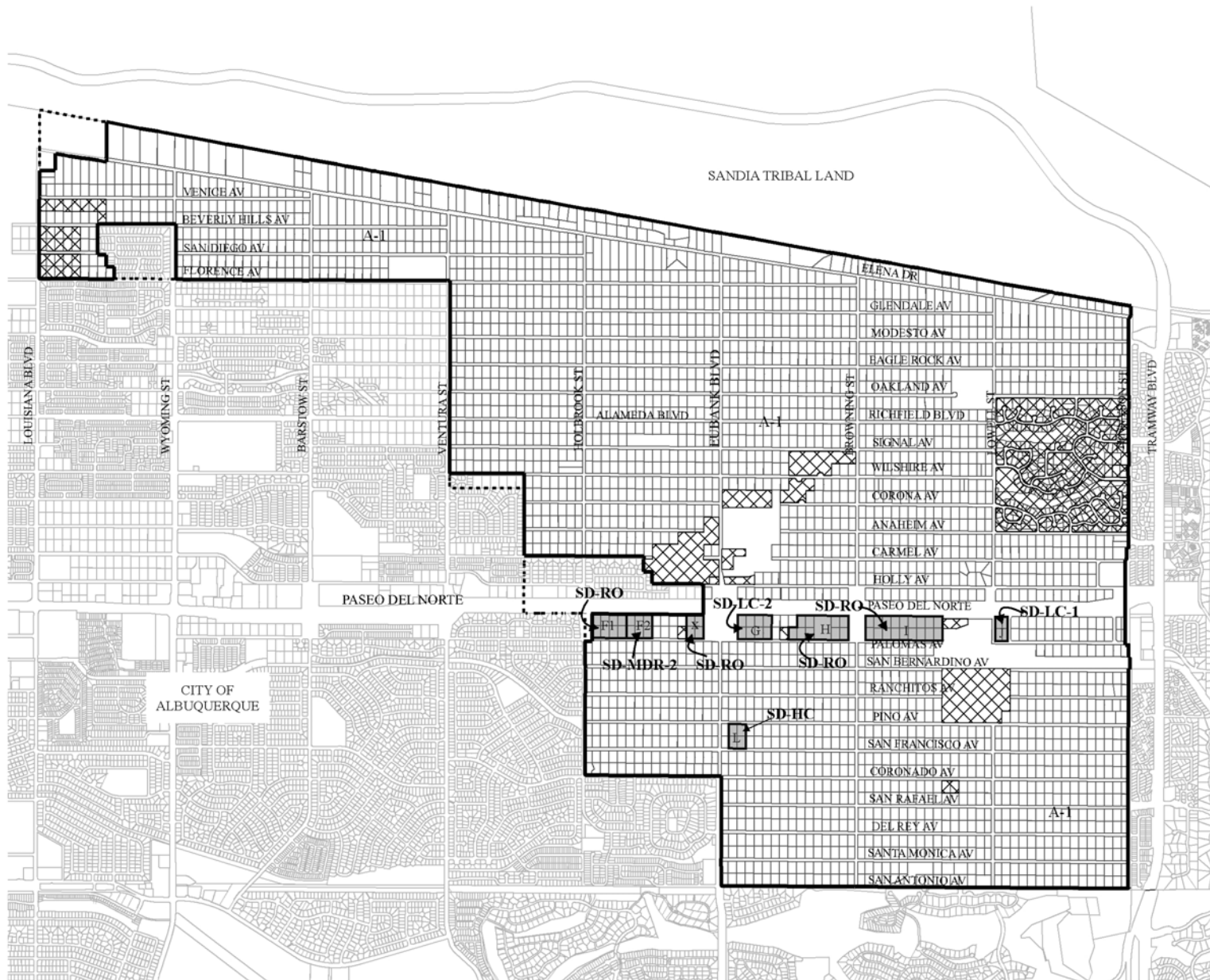
\*Annexed by the City of Albuquerque in 2002

Figure 4.1

# Paseo del Norte/ North Albuquerque Acres

## Sector Development Plan

### EXISTING ZONING AND ZONING OVERLAY



- Current Plan Boundary
- - - Original Plan Boundary
- Parcels Outside NAA
- NAA Parcels
- ▨ Special Use Permit
- Zoning Overlay



This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data are from Bernalillo County and the City of Albuquerque.

## **4.4 Zoning**

This Sector Development Plan establishes zoning that will implement the recommended land use changes in North Albuquerque Acres. The zoning language was developed by a team of County and City government staff, consultants and a citizen's advisory committee (CAC) of representatives from the neighborhood, the real estate and development community, and neighborhoods adjacent to North Albuquerque Acres in the City of Albuquerque. The zoning language was reviewed by the public at two of the public meetings held on the land use plan. The intent of the Sector Plan is to build upon the land use recommendations and design guidelines contained in the Commercial Corridor Study, with additional input from the public, to provide for orderly development of the area.

### **4.4.1 Special Zoning Provisions of Sector Development Plans**

In June 2000, the Albuquerque/Bernalillo County Extraterritorial Land Use Authority amended its zoning ordinance to define and describe procedures for a Sector Development (SD) Zone. A SD Zone allows a mixture of uses controlled by a Sector Develop Plan which specifies new development and redevelopment that is appropriate to a given neighborhood, when other zones are inadequate to address special needs. The SD Zone is appropriate to map in a major segment of North Albuquerque Acres because it meets the following criteria:

1. The area is developed such that the requirements of other available zones do not promote the conservation of special neighborhood characteristics, which the County desires to preserve; and
2. The area has developed or should develop with a pattern of mixed land uses, which will need careful control and coordination of development at a sub-area scale in order to insure a desirable mixture of uses.

In North Albuquerque Acres, the low residential density and the antiquated platting constitute unique conditions that do not fit the standard zones of the Code. Land use regulation through a specially tailored zone is preferable to proliferation of Special Use Permits and Conditional Use Permits.

In the Paseo del Norte/North Albuquerque Acres Sector Development Plan, higher intensity land uses are proposed for areas along Paseo del Norte and Eubank that have been platted as one-acre single family lots and are adjacent to single family homes on one-acre lots. Therefore, special zoning categories are appropriate to take into account the need for appropriate, but limited, commercial uses along these corridors; the desirability of land assembly so that higher intensity uses are not built on individual lots; and the need for guidelines to protect existing neighborhoods.

### **4.4.2 Zoning for the Paseo del Norte/North Albuquerque Acres Sector Development Plan**

The Sector Development Plan proposes that properties that meet conditions specified in ELUA Ordinance 2-1998 be zoned for alternative land uses. The land uses and conditions for these properties are defined in the special sector plan zones below. The plan contains six zones. Each

zone is based on the closest similar zone in the Bernalillo County Zoning Ordinance (County Commission Ordinance No. 97-2). Design overlay zones described in Chapter 8 also apply to development in the Sector Development Plan area. All provisions of the Bernalillo County Zoning Ordinance apply unless specified otherwise in this Sector Development Plan. Properties that do not meet conditions for a change in zone remain A-1 as defined in the Zoning Ordinance, except as defined below:

Within the A-1 zone in the North Albuquerque Acres area, the Zoning Administrator may approve through the public hearing process developments that propose to alter the lot size and layout, but not the total number of lots, from the current established pattern. Such alternative layouts may include cul-de-sacs with limited or controlled access points, perimeter walls/fences, gated ingress and/or egress, or other such features that would not normally be found when lots are developed individually. The review and approval process for such developments shall follow the procedures of the Administration Section of the Comprehensive Zoning Ordinance of Bernalillo County. Policies and processes for reviewing these types of requests are outlined in Section 4.4.3 of this sector development plan.

#### **Section 4.4.3 Compound Developments (AR 95-2005)**

- A. **Purpose.** The purpose of this policy is to provide guidance for County consideration of applications for Compound Developments where lot size and property layout are altered from the current pattern in conjunction with platting actions, subdivisions, right-of-way provisions, or other approval processes determined appropriate by Bernalillo County. It establishes criteria for the creation of compounds, and references regulatory codes, ordinances, and plans that will be used in evaluating the merits of individual projects. Also, the purpose of this policy is to minimize the impact on surrounding neighborhoods, ensure appropriate public and emergency vehicle access, and provide general guidance on the design concept of any provided perimeter walls which may enclose a compound.
- B. **Policy.**
  - 1. The County shall review each project that proposes to alter the existing lot sizes or property layouts in the North Albuquerque Acres area based on its individual merits and its ability to serve a community interest. In its review of the proposal, the County shall consider information provided by all reviewing departments.
  - 2. Given the range of Compound Development types, in combination with a desire to regulate without dictating design of the development, only general criteria are set forth in this policy. This policy is to be used in conjunction with all applicable Bernalillo County ordinances and regulations.
- C. **Criteria.** A determination of the request shall be made by the Zoning Administrator after a public hearing on all proposals. Each new proposal for a Compound Development will be evaluated for the following criteria:
  - 1. The project provides a community benefit or satisfies a specific community need, such as, but not limited to, enhancing community safety and security, improving existing or projected traffic impacts, promoting community cooperation and identity, or significantly enhancing the quality of life.

2. The project does not significantly displace the existing or projected traffic circulation or parking impacts to adjacent areas. Private roads and gates must not unreasonably impede the logical future development of public rights-of-way or pedestrian access in the general vicinity of the project.
3. Public access is not denied to open spaces, transit stops, public rights-of-way, schools or public facilities which are available for public use or public access.
4. The street system, gated entry, and premises identification meet all criteria established in applicable Bernalillo County regulations. Cul-de-sacs or dead-end rights-of-way are required to receive approval prior to construction.
  - a. All private roads must be designed and constructed according to Bernalillo County development standards.
  - b. The developer must demonstrate adequate provision for perpetual maintenance of the private road and any other infrastructure associated with the development. This notation shall be included on the approved plat for the development.
  - c. The developer must demonstrate adequate provisions for necessary emergency service and governmental access. Road and gate design must be reviewed by, and are subject to approval by the Bernalillo County Fire Department, Sheriff's Department, Public Works Division, and other governmental agencies, as deemed necessary by the Zoning Administrator.
    - i. Documented arrangements for access through any gate for emergency service vehicles shall be reviewed and approved by Bernalillo County public safety officials. Necessary arrangements may include fire boxes for keyed/keyless entry, keypad code entry, occupant telephone authorized entry, and/or automatic gate opening upon power disconnect.
    - ii. Documented arrangements for access through any gate for non-emergency service vehicles shall be reviewed and approved by the Zoning Administrator. Necessary arrangements may include, but are not limited to, access easements for refuse collection vehicles and utility easements for public utility development and maintenance.
  - d. Minimum gate width must equal the required road width plus the width of any existing utility easements, but in no case shall the width be less than thirty (30) feet. The width requirements may be accomplished through the combination of adjacent entrance and exit gates of equal width.
  - e. Proposed gates, walls, and/or fences shall not disturb or impede existing natural drainage and water flow. Solid fences or walls shall not block a FEMA designated floodplain, and shall meet applicable construction standards.
  - f. All grading and drainage information, including conceptual and comprehensive plans, shall be provided in accordance with the requirements of the Bernalillo County Public Works Division.
5. The developer shall grant easements to the appropriate governing authority or utility company as is necessary for public purposes regarding any compound development which utilizes alternate lot arrangements. The easements shall be recorded with the County Clerk. Applicants shall provide a drawing exchange file (DFX) to the County Zoning, Building & Planning Department following the requirements of the Bernalillo County Subdivision Ordinance.

6. The developer shall provide all necessary public infrastructures for any compound development or development with alternate lot arrangements, included but not limited to water supply, wastewater or septic systems, roads, rights-of-way, sidewalks, and related improvements as deemed necessary by the Zoning Administrator.
7. The location of gates shall be provided in compliance with applicable requirements to avoid adversely impacting traffic circulation on any public street.
8. Walls or other enclosures attached to gates shall use setbacks, landscaping, human-scale articulation and/or other design features to maintain a homogenous social environment in the neighborhood. All structures will be governed by relevant sections of the zoning code, building code, and sector development plan.
9. In no case shall the total number of dwelling units for the Compound Development exceed that previously allowed under a one-house-per-acre restriction. Properties shall meet all other applicable provisions, including, but not limited to, yard requirements, height limitations, and off-street parking requirements. For proposals which seek to change the location of property lines, a minimum lot width of 100 feet shall be provided.
10. The establishment of any Compound Development or development with alternate lot arrangements must not have unreasonable negative effects on the health, safety and welfare of Bernalillo County.
11. Any road, street or easement created to provide access to a Compound Development with alternate lot arrangements shall be established by re-plat approved by the Bernalillo County Development Review Authority (CDRA), and shall conform to the guidelines established for Bernalillo County Street Standards.
12. Any road, street or easement shall be named following the procedures of the Bernalillo County Street Names and Street Name Changing Ordinance. In cases where existing addressing is impacted by the new development, new addresses will be assigned to each lot by Bernalillo County.
13. Changes, modifications, and/or reconfiguration of property lines shall requires review and approval through the Bernalillo County subdivision process, including but not limited to re-platting, provision of documents in requested format, and similar procedures.
14. If required by the Bernalillo County Environmental Health Department, net lot size must be demonstrated to the nearest hundredth of an acre to meet minimum water, wastewater, septic and/or well permitting requirements.

**D. Application procedures.**

1. An application for a Compound Development shall be filed with the County Zoning, Building and Planning Department on prescribed forms, and accompanied by all relevant data and information. Incorrect or incomplete information may cause a delay or denial in the review and hearing process. It is recommended that the applicant consult with staff before filing an application to be informed of any requirements or policies relevant to the request.
2. Application for a Compound Development may be made by an owner of the property or their designated agent on their behalf.
3. Each application shall be accompanied by a preliminary site development plan that shall:



- a. Be drawn to scale.
  - b. Show North arrow.
  - c. Show boundaries of the property to be developed.
  - d. Show all existing and proposed structures on site and within 50 feet beyond the property boundaries including square footages of each structure, use of each structure, elevations, dimensions, loading and unloading areas.
  - e. Show number of parking spaces required and provided for all residential development in the compound area, as well as all points of ingress and egress for the development.
  - f. Show fire lanes and emergency vehicle parking.
  - g. Contain a conceptual Grading and Drainage Plan when considered appropriate by the Bernalillo County Public Works Division.
  - h. Show existing and proposed public and private streets, alleys and easements, with proper names and dimensions.
  - i. Contain a conceptual Landscape and Buffer Landscape Plan, identifying the nature and location of ground cover. The plan shall include a statement of responsibility for maintenance.
  - j. Show existing and proposed water, sewer, and fire hydrant locations, storm drainage facilities, and refuse container locations.
  - k. Show existing and proposed signage as regulated in the C-1 Zone.
  - l. Show proposed phasing of improvements and provision for interim facilities.
  - m. Include a written statement describing the proposed project in detail and providing justification for approval.
  - n. Copies of the site development plan of the proposed project shall be folded into 8-1/2 x11, 8-1/2 x 14 or 11x17 similar size.
4. An application fee for a Compound Development shall be \$75.00

**E. Hearing.**

1. Public hearing on all applications for Compound Developments shall be held by the Zoning Administrator in accordance with the Administration Section of the Comprehensive Zoning Ordinance of Bernalillo County.
2. The applicant must post and maintain one or more signs as provided by the Zoning Administrator, 15 days before and after the date of the hearing. The applicant is responsible for removal of the sign(s) 16 days after the hearing, unless the recommendation is appealed. If appealed, signs must remain posted. Failure to properly post and maintain sign(s) is grounds for deferral or denial of the request.
3. The Zoning Administrator shall issue Sign(s) Posting Instructions.
4. In approving any application, the Zoning Administrator shall impose minimum requirements as required by this section together with such additional requirements as the Zoning Administrator deems necessary to safeguard the public welfare, safety, health, morals, convenience, and best interest of the adjoining property, the neighborhood, and the community. Unless the permit specifies to the contrary, the request will be granted for the life of the use.
5. After an applicant's petition for a Compound Development is advertised for public hearing by the Zoning Administrator, another petition for another Compound

Development affecting the same property shall not be filed within a period of 12 months from the date of final action by the Zoning Administrator or the date of the initial advertised hearing.

6. No building or occupancy permits shall be issued for any building or use that is not in accordance with the approved development plan.
7. Any requirement imposed by the Zoning Administrator shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by approval of the Compound Development.

**F. Appeals.**

1. Appeal of any denial or approval of an application by the Zoning Administrator may be submitted in writing to the Board of Adjustment within 15 days after the date of determination. If the fifteenth day falls on a Saturday, Sunday, or holiday, the next working day shall be considered as the deadline for filing the appeal. A building permit or Certificate of Occupancy and compliance shall not be issued until any appeal is decided, or the time for filing such appeal has expired.
2. Written notice of appeal shall be filed with the Zoning Administrator. A filing fee of \$100.00 is required.
3. Public notice of any appeal shall be given by legal advertisement in the manner prescribed for a change to the text of the Zoning Ordinance. Written notice of any appeal, together with notice of the hearing date, shall be sent to the applicant, a representative of the opponents, if any, and to the appellant (if other than the applicant).
4. When an appeal is withdrawn after scheduling and advertising for public hearing by the Board of Adjustment, the filing fee shall not be refunded to the appellant.

***A-1 (Rural Agriculture Zone)***

- A. The purposes of the A-1 zone is to preserve the scenic and recreational values in the National Forests and similar adjoining land, to safeguard the future water supply, to provide open and spacious development in areas remote from public services, and to recognize the desirability of carrying on agricultural operations and spacious home developments in areas near the fringes of urban development.
- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
  1. Permissive Uses. Uses permissive in the A-1 Zone in the Zoning Ordinance.
  1. Conditional Uses. Uses conditional in the A-1 Zone in the Zoning Ordinance.
- C. Height Regulations. Buildings and structures shall not exceed 26 feet or 2 ½ stories in height, except as provided in the Supplementary Height and Area Regulations Section of the Zoning Ordinance. Height is measured from the contiguous natural grade.

**D. Area Regulations**

1. **Minimum Lot Area.** Every lot shall have a width of not less than 150 feet. The minimum lot area for the zone shall be one (1) acre.
2. **Building Setbacks.** Front yard, side yard and rear yard setbacks shall be the same as in the A-1 Zone of the Zoning Ordinance.

**E. Parking Requirements.** Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-street Parking, Loading and Unloading Regulations Section of the Zoning Ordinance.

**F. Design Regulations and Guidelines.** The design regulations and guidelines of the North Albuquerque Acres Design Overlay Zone contained in Chapter 9 apply to all development.

***SD-MDR-1 (Single Family Zone, Sites Z-1 and Z-2)*** \*Both sites annexed in 2002

**A.** The SD-MDR-1 zone is intended to provide for moderate density single family detached housing of up to a maximum gross density of four units per acre where community water and sewer facilities are available. Areas zoned SD-MDR-1 will serve as a land use buffer between existing one-acre lots and more intense development along Paseo del Norte.

This zone is based on the R-1 zone in the Bernalillo County Zoning Ordinance.

**B. Use Regulations.** A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.

1. **Permissive Uses.** Uses permissive in the R-1 Zone in the Zoning Ordinance.
2. **Conditional Uses.** Uses conditional in the R-1 Zone in the Zoning Ordinance.

**C. Height Regulations.** Buildings and structures shall not exceed 26 feet or 2 ½ stories in height, except as provided in the Supplementary Height and Area Regulations Section of the Zoning Ordinance. Height is measured from the contiguous natural grade.

**D. Area Regulations**

1. **Minimum Lot Area.** Every lot shall have a minimum area of not less than three-quarters of an acre, except that the lot area may be decreased to 9,000 square feet where all of the following conditions have been met:
  - a. community water and sewer facilities are available; and
  - b. at least 10 acres of a site (Z-1 or Z-2) as shown in Figure 4-1 has been assembled.

2. Building Setbacks. Front yard, side yard and rear yard setbacks shall be the same as in the R-1 Zone of the Zoning Ordinance.
- E. Parking Requirements. Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-street Parking, Loading and Unloading Regulations Section of the Zoning Ordinance.
- F. Access. Any development with lot sizes of less than three quarters of an acre must have direct access only to Holly or Holbrook, and no access to Carmel.
- G. Design Regulations and Guidelines. The design regulations and guidelines of the Paseo del Norte Design Overlay Zone contained in Chapter 9 apply to all development

***SD-MDR-2 (Single Family Zone, Sites E\*, F-2)*** \*Site E annexed in 2002

- A. The SD-MDR-2 zone is intended to provide for moderate density single family detached housing of up to a maximum gross density of six units per acre where community water and sewer facilities are available. Areas zoned SD-MDR-2 will serve as a land use buffer between existing one-acre lots and more intense development along Paseo del Norte.

This zone is based on the R-1 zone in the Zoning Ordinance.

- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
  1. Permissive Uses. Uses permissive in the R-1 Zone in the Zoning Ordinance.
  2. Conditional Uses. Uses conditional in the R-1 Zone in the Zoning Ordinance. Height is measured from the contiguous natural grade
- C. Height Regulations. Buildings and structures shall not exceed 26 feet or 2 ½ stories in height, except as provided in the Supplementary Height and Area Regulations Section of the Zoning Ordinance. Height is measured from the contiguous natural grade.
- D. Area Regulations
  1. Minimum Lot Area. Every lot shall have a minimum area of not less than three-quarters of an acre, except that the lot area may be decreased to 6,000 square feet where all of the following conditions have been met:
    - a. community water and sewer facilities are available; and
    - b. at least 6 acres or 80% of a site as shown in Figure 4-1, whichever is larger, has been assembled.
  2. Building Setbacks. Front yard, side yard and rear yard setbacks shall be the same as in the R-1 Zone of the Zoning Ordinance.

- E. **Parking Requirements.** Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-street Parking, Loading and Unloading Regulations Section of the Zoning Ordinance.
- F. **Access.** Any development with lot sizes of less than three quarters of an acre may not have access to Palomas.
- G. **Design Regulations and Guidelines.** The design regulations and guidelines of the Paseo del Norte Design Overlay Zone contained in Chapter 9 apply to all development.

***SD-LC-1 (Limited Neighborhood Commercial Zone, Site J)***

- A. The SD-LC-1 zone is intended to provide for certain neighborhood scale commercial uses that are compatible with the rural character of North Albuquerque Acres. This zone is based on the C-1 Zone of the Zoning Ordinance.
- B. **Use Regulations.** A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.

- 1. **Permissive Uses.**

- a. Uses permissive in the R-1 zone, as regulated in that zone.
- b. For a lot that meets the minimum lot area requirements for non-residential uses in this zone:
  - (1) Banking and loaning money. Drive-in facilities permitted on the condition that the vehicle movement plan is approved by the Public Works Division.
  - (2) Book or stationery store, but not an adult bookstore.
  - (3) Hospital for animals, kennels, provided there is no outdoor kennel or pen. Outside exercise runs may be provided and must comply with the following:
    - (a) A run must be enclosed with a solid wall or fence at least six feet high.
    - (b) Only one animal is permitted in the run at any one time.
    - (c) No small animals are permitted to remain in the run overnight.
  - (4) Office.
  - (5) Sign, provided it complies with the provisions of the C-N Zone of the Extraterritorial Zoning Code and the Paseo del Norte Design Overlay Zone, contained in Section 5 of this Sector Development Plan.

- 2. **Conditional Uses:** Uses conditional in the R-1 Zone in the Zoning Ordinance.

- C. **Height Regulations.** Buildings and structures shall not exceed 26 feet or 2½ stories in height, except as provided in the Supplementary Height and Area Regulations Section of the Zoning Ordinance. Height is measured from the contiguous natural grade.

- D. **Area Regulations.**

1. Minimum Lot Area
    - a. Residential lot area is the same as in the A-1 zone.
    - b. All non-residential sites shall have a width of 300 feet and depth of at least 450 feet along the entire width of the site. If it is not possible to meet the site size requirements because prior development or an existing Conditional Use Permit or Special Use Permit blocks assembly, the Planning Director shall waive this requirement as part of Site Development Plan approval.
  2. Building Setbacks
    - a. Residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the R-1 Zone of the County Zoning Ordinance.
    - b. Non-residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the C-1 Zone of the Zoning Ordinance.
- E. Parking Requirements. Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-street Parking, Loading and Unloading Regulations Section of the Zoning Ordinance.
- F. Landscape and Buffer Landscaping. As required by the Paseo del Norte Overlay Zone in Chapter 9 of this Sector Development Plan.
- G. Access. Any non-residential development must have direct access to a collector street, arterial street or frontage road, and no access is allowed to Palomas.
- H. Design Regulations and Guidelines. The design regulations and guidelines of the Paseo del Norte Design Overlay Zone contained in Chapter 9 apply to all development.

***SD-LC-2 (Limited Neighborhood Commercial Zone, Site G)***

- A. The SD-LC-2 zone is intended to provide for certain neighborhood scale commercial uses that are compatible with the rural character of North Albuquerque Acres. This zone is based on the C-1 Zone of the Zoning Ordinance.
- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
1. Permissive Uses.
    - a. Uses permissive in the R-1 zone, as regulated in that zone.
    - b. For a lot that meets the minimum lot area requirements for non-residential uses in this zone:
      - (1) Art, antique or gift shop

- (2) Bakery goods shop or confectionery store wherein a majority of the products are sold on the premises and at retail.
- (3) Banking and loaning money. Drive-in facilities permitted on the condition that the vehicle movement plan is approved by the Public Works Department.
- (4) Beauty and barber shop.
- (5) Book or stationary store, but not an adult bookstore.
- (6) Church, including the usual incidental facilities, mission (rescue), or revival meeting place.
- (7) Clinic.
- (8) Feed Store (retail) provided that all outside storage is enclosed by a solid wall or fence six feet high on all sides.
- (9) Fruit, vegetable or delicatessen store, meat market.
- (10) Newsstand.
- (11) Office.
- (12) Restaurant with full-service liquor license, but not a drive-in or drive-thru restaurant.
- (13) Sign, provided it complies with the provisions of the C-N Zone of the Extraterritorial Zoning Code and the general design provisions of this Sector Development Plan.

2. Conditional Uses: Uses conditional in the R-1 Zone in the Zoning Ordinance.

C. Height Regulations. Buildings and structures shall not exceed 26 feet or 2½ stories in height, except as provided in the Supplementary Height and Area Regulations Section of the Zoning Ordinance. Height is measured from the contiguous natural grade.

D. Area Regulations.

1. Minimum Lot Area.

- a. Every residential lot shall have a minimum area of not less than three-quarters of an acre, except that the lot area may be decreased to 6,000 square feet where community water and sewer facilities are available.
- b. All non-residential sites shall have a width of 300 feet and depth of at least 450 feet along the entire width of the site. If it is not possible to meet site size requirements because prior development or an existing Conditional Use Permit or Special Use Permit blocks assembly, the Planning Director shall waive this requirement as part of Site Development Plan approval.

2. Building Setbacks

- a. Residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the R-1 Zone of the Zoning Ordinance.
- b. Non-residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the C-1 Zone of the Zoning Ordinance.

E. Parking Requirements. Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-street Parking, Loading and Unloading Regulations Section of the Zoning Ordinance.

- F. Landscape and Buffer Landscaping. As required by the Paseo Del Norte Design Overlay Zone in Chapter 9 of this Sector Development Plan.
- G. Access. Any residential development with an average lot size smaller than three-quarters of an acre or any non-residential development must have direct access to a collector street, arterial street or frontage road, and no access is allowed to Palomas.
- H. Design Regulations and Guidelines. The design regulations and guidelines of the Paseo del Norte Design Overlay Zone contained in Chapter 9 apply to all development.

***SD-RO (Residential/Office Zone, Sites F-1, H, I, X, Y\*)*** \*Site Y annexed in 2002

- A. SD-RO zoning permits a mix of residential, office and institutional uses that are compatible with the rural character of North Albuquerque Acres. This zone is based on the O-1 Zone of the Zoning Ordinance.
- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
  - 1. Permissive Uses:
    - a. Uses permissive in the R-1 zone.
    - b. For a lot that meets the minimum lot area requirements for non-residential uses in this zone:
      - (1) Clinic.
      - (2) Institution.
      - (3) Office.
      - (4) Sign, provided it complies with the provisions of the O-1 Zone of the Extraterritorial Zoning Code and the Paseo del Norte Design Overlay Zone, Section 5 of this Sector Development Plan.
  - 2. Conditional Uses: Uses conditional in the R-1 zone in the Zoning Ordinance.
- C. Height Regulations. Buildings and structures shall not exceed 26 feet or 2½ stories in height, except as provided in the Supplementary Height and Area Regulations Section of the Zoning Ordinance. Height is measured from the contiguous natural grade.
- D. Area Regulations
  - 1. Minimum Lot Area.
    - a. Every residential lot shall have a minimum area of not less than three-quarters of an acre, except that the lot area may be decreased to 6,000 square feet where community water and sewer facilities are available.
    - b. All non-residential sites shall have a width of 300 feet and depth of at least 450 feet along the entire width of the site. If it is not possible to meet site size requirements



- because prior development or an existing Conditional Use Permit or Special Use Permit blocks land assembly, the Planning Director shall waive this requirement as part of Site Development Plan approval. For Site Y, the required depth is the existing lot depth of 234 feet.
2. Building Setbacks
    - a. Residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the R-1 Zone of the Zoning Ordinance.
    - b. Non-residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the C-1 Zone of the Zoning Ordinance.
- E. Parking Requirements. Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-street Parking, Loading and Unloading Regulations Section of the Zoning Ordinance.
- F. Landscape and Buffer Landscaping. As required by the Paseo del Norte Design Overlay Zone in Chapter 9 of this Sector Development Plan.
- G. Access. Any residential development with an average lot size smaller than three-quarters of an acre or any non-residential development must have direct access to a collector street, arterial street or frontage road, and no access is allowed to Palomas.
- H. Design Regulations and Guidelines. The design regulations and guidelines of the Paseo del Norte Design Overlay Zone contained in Chapter 9 apply to all development.

***SD-HC (Residential/Office Zone, Site L)***

- A. The SD-HC zone permits a mix of residential, residential institutions and hospitality uses that are compatible with the rural character of North Albuquerque Acres. This zone is based on the O-1 Zone of the Zoning Ordinance.
- B. Use Regulations. A building or premises shall be used only for the following purposes. All uses customarily incidental to the building or premises shall be maintained on site.
1. Permissive Uses:
    - a. Uses permissive in the R-1 zone.
    - b. For a lot that meets the minimum lot area requirements for non-residential uses in this zone:
      - (1) Bed and breakfast house
      - (2) Day care center
      - (3) Extended care facility
      - (4) Sign, provided it complies with the provisions of the O-1 Zone of the Extraterritorial Zoning Code and the general design provisions of this Sector Development Plan.

2. Conditional Uses: Uses conditional in the R-1 Zone in the Zoning Ordinance.
- C. Height Regulations. Buildings and structures shall not exceed 26 feet or 2½ stories in height, except as provided in the Supplementary Height and Area Regulations Section of the Zoning Ordinance. Height is measured from the contiguous natural grade.
- D. Area Regulations
1. Minimum Lot Area.
    - a. Every residential lot shall have a minimum area of not less than three-quarters of an acre, except that the lot area may be decreased to 6,000 square feet where community water and sewer facilities are available and the access requirements of the zone are met.
    - b. All non-residential sites shall have a width of 300 feet and depth of at least 450 feet along the entire width of the site. If it is not possible to meet site size requirements because prior development or an existing Special Use Permit blocks land assembly, the Planning Director may waive this requirement as part of Site Development Plan approval.
  2. Building Setbacks
    - a. Residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the R-1 Zone of the Zoning Ordinance.
    - b. Non-residential Building Setbacks. Front yard, side yard, and rear yard setbacks shall be the same as in the C-1 Zone of the Zoning Ordinance.
- E. Parking Requirements. Off-street parking for all uses must be provided in accordance with the regulations set forth in the Off-street Parking, Loading and Unloading Regulations Section of the Zoning Ordinance.
- F. Landscape and Buffer Landscaping. As required by the Paseo del Norte Design Overlay Zone in Chapter 9 of this Sector Development Plan.
- G. Access. Any residential development with an average lot size smaller than three-quarters of an acre or any non-residential development must have direct access to a collector street, arterial street or frontage road.
- H. Design Regulations and Guidelines. The design regulations and guidelines of the Paseo del Norte Design Overlay Zone contained in Chapter 9 apply to all development.

## **4.5 Amendments To The Sector Development Plan Zoning**

Any request for a change in zone or for a special use permit on any property within the Sector Development Plan boundary is considered to be a Sector Development Plan amendment and would be evaluated according to the criteria and process of the Zoning Ordinance.